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PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)
12513

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at
(571) 272-3282.

Patent Number: US 6,845,516 B1

Application Number: 09/577,751

Issue Date: January 25, 2005

Filing Date: December 8, 2000

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent
number (or reissue patent number, if a reissue) and (2) the application number of the actual
U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s)
is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:



is a reissue of original Patent No. 6,845,516

04/29/2009 DALLEN 00000003 502849 6845516
Sale Ref: 00000003 DAH: 502849 6845516
01 FC:1599 original issue date

original application number _____

original filing date _____



resulted from the entry into the U.S. under 35 U.S.C. 371 of international application

filed on _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class
mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-
1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-
8300.

Date _____

Signature _____

Typed or printed name of person signing Certificate _____

04/29/2009 DALLEN 00000003 502849 6845516
01 FC:1599
1190.00 DAH

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/>	\$ _____ 3 ½ yr fee	(1551)	<input checked="" type="checkbox"/>	\$ 490.00 3 ½ yr fee	(2551)
<input type="checkbox"/>	\$ _____ 7 ½ yr fee	(1552)	<input type="checkbox"/>	\$ _____ 7 ½ yr fee	(2552)
<input type="checkbox"/>	\$ _____ 11 ½ yr fee	(1553)	<input type="checkbox"/>	\$ _____ 11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 490.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700.00

5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ _____
- ☒ Please charge Deposit Account No. 50-2849 the sum of \$ 1,190.00
- ☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- ☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 50-2849

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT

As to any overpayment made, please

☒ Credit to Deposit Account No. 50-2849

OR

☐ Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.


Signature(s) of Petitioner(s)

April 24, 2009

Date

Sean Wooden

Typed or printed name(s)

43,997

Registration Number, if applicable

1350 I Street, NW - Suite 1100

Address

202-662-2700

Telephone Number

Washington, DC 20005

Address

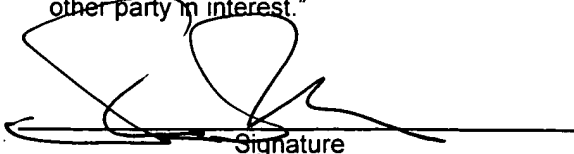
ENCLOSURES:

- ☒ Maintenance Fee Payment
☐ Statement why maintenance fee was not paid timely
☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)

☒ Other: Statement Accompanying Petition Under 37 C.F.R. 1.378(b) For Reinstatement Of A Patent Expired Unavoidably

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."



Signature

April 24, 2009

Date

Sean Wooden

Type or printed name

43,997

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

SEE ATTACHED

(Please attach additional sheets if additional space is needed)



ATTORNEY DOCKET NO.: 12513

PATENT APPLICATION

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): WILLIAM K. LETSON, et al.

Patent No.: 6,845,516

Filing Date: December 08, 2000

Group Art Unit: 3765

Title: WACKER CHAPS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT ACCOMPANYING PETITION UNDER 37 C.F.R. 1.378(b)
FOR REINSTATEMENT OF A PATENT EXPIRED UNAVOIDABLY

Sir:

Petitioner, WILLIAM K. LETSON, hereby Petitions for Reinstatement of the present patent under 37 C.F.R. 1.378(b), and submits the following:

1. The present patent expired on January 25, 2009 due to non-payment of maintenance fees. The entire delay in paying the maintenance fee from the due date of the first maintenance fee until the filing of a grantable petition under 37 C.F.R. 1.378(b) was unavoidable.
2. Petitioner's non-payment of maintenance fees was unavoidable due to lack of funds, in particular, Petitioner experienced a significant increase in expenses and decrease in income leading up to the due date of the first maintenance fee (3.5 years plus the six-month grace period), January 25, 2009. Prior to the due date, Petitioner was informed by his employer that employees would be laid off, that there would be significant pay cuts, and that all bonuses and raises would be frozen.¹ In addition, Petitioner simultaneously experienced an unexpected increase in expenses due to his mother moving in with him. Furthermore,

¹ Indeed, shortly after due date, Petitioner's pay was cut by 8%, his benefits were removed and he did not receive a raise or bonus, as forewarned.

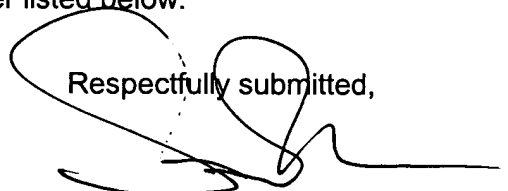
Petitioner's sales of the patented product decreased sixty-five percent (65%) over the prior year, while his general expenses increased by twenty percent (20%) over the same period. Due to these factors, Petitioner simply could not afford and did not have the necessary funds saved up to pay the maintenance fee when due.

3. Petitioner was not able to timely pay the first maintenance fee for the present patent, as per the circumstances mentioned above, by the final due date of January 25, 2009. Accordingly, the present patent expired. The undersigned attorney received the Notice of Patent Expiration on March 16, 2009 and notified the Petitioner of the expiration of the present patent.
4. Subsequently, the Petitioner was diligent in raising funds to pay the maintenance fee as soon as he was notified of the expiration of the present patent. Petitioner is still not able to presently afford the surcharge and the maintenance fee. The undersigned's law firm is advancing Petitioner the difference, which Petitioner will pay back in monthly installments.
5. Petitioner hereby submits the required maintenance of \$490.00 for a small entity set forth in 37 CFR 1.20(e) and the required surcharge of \$700.00 set forth in 37 CFR 1.20(i)(1).
6. Please charge any fees required or credit any over payment to **Deposit Account 50-2849** pursuant to 37 C.F.R. 1.25. Additionally please charge any fees to **Deposit Account 50-2849** under 37 C.F.R. 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

Should the Commissioner require anything further in order to fulfill this petition, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Customer No.: 038598
ANDREWS KURTH LLP
Intellectual Property Department
1350 I Street, NW
Suite 1100
Washington, D.C. 20005
Telephone No.: (202) 662-2700
Facsimile No.: (202) 662-2739


Sean Wooden
Attorney/Agent for Applicant(s)
Reg. No. 43,997

Date: April 24, 2009

Petitioner's sales of the patented product decreased sixty-five percent (65%) over the prior year, while his general expenses increased by twenty percent (20%) over the same period. Due to these factors, Petitioner simply could not afford and did not have the necessary funds saved up to pay the maintenance fee when due.

3. Petitioner was not able to timely pay the first maintenance fee for the present patent, as per the circumstances mentioned above, by the final due date of January 25, 2009. Accordingly, the present patent expired. The undersigned attorney received the Notice of Patent Expiration on March 16, 2009 and notified the Petitioner of the expiration of the present patent.
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5. Petitioner hereby submits the required maintenance of \$490.00 for a small entity set forth in 37 CFR 1.20(e) and the required surcharge of \$700.00 set forth in 37 CFR 1.20(i)(1).
6. Please charge any fees required or credit any over payment to **Deposit Account 50-2849** pursuant to 37 C.F.R. 1.25. Additionally please charge any fees to **Deposit Account 50-2849** under 37 C.F.R. 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

Should the Commissioner require anything further in order to fulfill this petition, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Customer No.: 038598
ANDREWS KURTH LLP
Intellectual Property Department
1350 I Street, NW
Suite 1100
Washington, D.C. 20005
Telephone No.: (202) 662-2700
Facsimile No.: (202) 662-2739

Sean Wooden
Attorney/Agent for Applicant(s)
Reg. No. 43,997

Date: April 24, 2009